# REMARKS

[0004]     Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-74 are presently pending. Claims amended herein are 1, 27, 29, 39, and 46. Claims previously withdrawn are 71-74. No new claims have been added herein.

## Statement of Substance of Interview

[0005]     The Examiner graciously talked with me—the undersigned representative for the Applicant—on 02/05/2009. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006]     During the interview, I discussed how the claims differed from the cited references. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007]     The Examiner was receptive to the proposals, specifically the clarification regarding the amendment to claim 1, but indicated that further review of the cited references would be necessary. Applicant herein amends the claims in the manner discussed during the interview.

## Formal Request for an Interview

[0008]     If the Examiner's reply to this communication is anything other than allowance of all pending claims and there only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I

Serial No.: 10/615,624
Atty Docket No.: MS1-1500US
Atty/Agent: Robert C. Peck
-24-
lee&hayes   The Business of IP ™
www.leehayes.com   509/324.9256

encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009]     Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

## Claim Amendments

[0010]     Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 27, 29, 39, and 46 herein.     Applicant amends the claim to clarify claimed features.     Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0011]     Support for the amendments to claims 1, 27, 29, 39, and 46 is found in the specification at least at pages 3, 12, 15, and 24.

# Substantive Matters

## Claim Rejections under § 103

[0012]    The Examiner rejects claims 1-70 under § 103.  For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0013]    Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0014]    The Examiner's rejections are based upon the following references alone or in combination:

- **Lipinski:** *Lipinski,* US Patent Application Publication No. 2003/0069947 (Published April 10, 2003);
- **Li:** *Li et al.,* US Patent Application Publication No. 2004/0078708 (Published April 22, 2004);
- **Ramig:** *Ramig*, US Patent Application Publication No. 2003/0069992 (Published April 10, 2003);
- **Dunn:** *Dunn et al.,* US Patent No. 6,560,648 (issued May 6, 2003);
- **Xiong:** *Xiong,* US Patent No. 6,958,996 (issued October 25, 2005);
- **Kaan:** *Kaan et al.,* US Patent Application Publication No. 2002/0065941 (Published May 30, 2002);
- **Matsubara:** *Matsubara et al.,* US Patent No. 6,442,444 (issued August 27, 2002);
- **Yildiz:** *Yildiz,* US Patent No. 7,016,948 (issued March 21, 2006);

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US
Atty/Agent: Robert C. Peck
-26-
lee&hayes    The Business of IP ™
www.leehayes.com    509.324.9256

- **Ben:** *Ben et al.,* US Patent No. 5,790,779 (issued August 4, 1998); and
- **Skaaning:** *Skaaning et al.,* US Patent No. 6,535,865 (issued March 18, 2003).
- **Naik:** *Naik et al.,* US Patent No. 5,579,446 (issued November 26, 1996)

## Overview of the Application

[0015]    The Application describes a technology for a network connection agent and troubleshooter that automatically connects a device to a network service in multiple stages, displays real-time status reports of connection progress with respect to each stage, and displays troubleshooting help and instructions with respect to a stage if the stage is not successful.

[0016]

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US
Atty/Agent: Robert C. Peck
-27-
lee&hayes   The Business of IP ™
www.leehayes.com   509.324.9256

## Cited References

**[0017]** The Examiner cites Lipinski as the primary reference in the obviousness-based rejections. The Examiner cites Li, Ramig, Dunn, Naik, Kaan, Matsubara, Yildiz, Skaaning, Xiong, and Ben as secondary references in the obviousness-based rejections.

### *Lipinski*

**[0018]** Lipinski describes a technology for a system and methods for configuration of a network-capable device, wherein the methods are implemented in programmable logic on the network-capable device. One method may comprise the steps of: saving existing network configuration settings for at least one network interface of the network-capable device; receiving network configuration parameters from at least one configuration server; testing the at least one network interface utilizing received network configuration parameters; and restoring the existing saved network configuration settings, if the step of testing determines that the received network configuration parameters are incorrect.

### *Li*

**[0019]** Li describes a technology for facilitating the installation of computer devices are provided. An installation application that runs on a user's personal computer may be used to facilitate the installation of a device that is connected to the personal computer with a cable or a wireless connection. At the beginning

of the installation process, the installation application may check to determine whether the user has properly formed the connection between the device and the personal computer. If the connection has not been formed properly, the user may be informed and appropriate remedial actions may be taken before the installation process is complete.

*Ramig*

[0020]    Ramig describes a technology for resolving host name data which is "looped-back" from a native host name resolver included in a requesting computer system to a name resolution port that is also included in the requesting computer system.    A replacement host name resolver monitors the name resolution port for host name data that is incompatible with name resolution techniques utilized by a network. The replacement host name resolver modifies the otherwise incompatible host name data for compatibility with name resolution techniques utilized by the network. Modifying host name data may include changing a transmission protocol associated with the host name data or formatting non-secure host name data for resolution with secure host name resolution techniques. The replacement host name resolver redirects compatible host name data to a module that may cause the host name data to be resolved into a network address. The network address may be provided to the native host name resolver.

*Dunn*

[0021]     Dunn describes a technology for communication system (100) that includes a network, a first application running on a first Host computer system (First Host) (102) coupled to the network, and a second application running on a second Host computer system (Second Host) (122) coupled to the network. The first application issues an Extended PING command (300) for sending an Extended ECHO message (380) from the First Host (102) into the network and directed to the second application in the Second Host (122). The second application in the Second Host (122), in response to receiving the Extended ECHO message (380), issues an Extended PING command (300) for sending an Extended ECHO reply message (380) into the network and directed to the first application to measure the full loop-back network latency of communicating a message application-to-application across the network.

*Xiong*

[0022]     Xiong describes a technology for a router that is provided that automatically configures itself to support Dynamic Host Configuration Protocol (DHCP) or Point-to-Point Protocol over Ethernet (PPPoE) communication protocols or other suitable communication protocols such as static IP, as required by an internet service provider. A user at a personal computer that is connected to the router via a local area network need not manually supply configuration information to the router for this purpose. The router may detect which communication protocol is to be used by monitoring which client set-up

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US
Atty/Agent: Robert C. Peck
-30-
lee&hayes   The Business of IP ™
www.leehayes.com   509.324.9256

processes are initiated by the personal computer and by attempting to use those processes to communicate with the internet service provider. Successful responses from the internet service provider are used to confirm which protocol the router is to use for supporting subsequent communications between the personal computer and the internet service provider.

*Kaan*

[0023]    Kaan describes a technology for managing communication on a network includes a host connected to a LAN. In a particular embodiment, the host is in a mobile data acquisition unit for a well-logging operation. The host acquires data from a data acquisition device such as a down-hole transmitter, that is also connected to the LAN. There is also a router connected to the LAN for connecting to the WAN. The system, provides for easily configuring and re-configuring the router, even by a non-expert, to accommodate the variations in parameters for changing from one network interface device to another. In one aspect the router has a configuration file for performing an initial, automatic configuration when the router is booted. The host has a processor and a storage unit with a software program stored thereon. The configuring of the router by the bootable configuration file enables the router to communicate with the host program so that a user can select a network connection type using an interface of the program on the host, and the program can then further automatically configure the router with parameters for the selected connection type. Despite changes in network connections, the hosts on the LAN do not have to change configuration to communicate on the WAN.

## Matsubara

**[0024]** Matsubara describes a technology for Amplifiers connected to a CNC that are provided individually with memories that are stored with ID data for discriminating the kinds and properties thereof and ID data as maintenance management data. Likewise, motors are provided with memories stored with ID data. The management of the amplifiers and the motors is facilitated by reading these ID data from the CNC and displaying them on a display unit. Based on the ID data, moreover, adaptation or non-adaptation between the motors and the amplifiers is automatically determined by means of the CNC.

## Yildiz

**[0025]** Yildiz describes a technology for a wireless network troubleshooting tool for monitoring an IEEE 802.11 wireless LAN that is connected via an access point to the latter, and programmed for capturing a plurality of frames data packets traveling to and from the LAN, for performing a detailed protocol analysis on the contents of the headers associated with the captured frames, to detect and diagnose failures or defects in the monitored wireless networks, to permit repair.

*Ben*

[0026]     Ben describes a technology for consolidating related error reports. In a preferred embodiment, an facility preferably implemented in software ("the facility") receives error reports and success reports generated by programs. When the facility receives a novel error report specifying an error source for which no error state is set, it sets an error state corresponding to the error report. The facility also preferably generates a consolidated error report at this point, which is delivered to a error state reporting subsystem. The error state reporting subsystem may add the consolidated error report to an error log and/or display it to a user. When the facility receives a redundant error report specifying an error source for which an error state is already set, the facility preferably does not set a new error state, nor does it generate a consolidated error report. When the facility receives a success report specifying an error source, it clears any error states that are set for the specified error source, and preferably generates a consolidated success report. The performance of the facility is preferably optimized by processing success reports asynchronously.

*Skaaning*

[0027]     Skaaning describes a technology for an automated troubleshooter that uses Bayesian networks to troubleshoot a system. Knowledge acquisition is performed in preparation to troubleshoot the system. An issue to troubleshoot is identified. Causes of the issue are identified. Subcauses of the causes are identified. Troubleshooting steps are identified. Troubleshooting steps are

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US
Atty/Agent: Robert C. Peck
-33-
lee&hayes   The Business of IP ™
www.leehayes.com   509.324.9256

matched to causes and subcauses. Probabilities for the causes and the subcauses identified are estimated. Probabilities for actions and questions set are estimated. Costs for actions and questions are estimated.


*Naik*

**[0028]**     Naik describes manual/automatic user options for color printing of different types of objects. In a color printer system, an interactive user interface allows a choice between one-"button" automatic control of color output or mulitbutton control of color output, with both automatic and manual options providing independent control for color halftoning and for color correction based on the types of objects to be printed. The preferred form allows independent print-rendering options for text, graphics, and photo images.

# Obviousness Rejections

## Based upon Lipinski, Li, and Xiong

[0029]     The Examiner rejects claims 1-70 under 35 U.S.C. § 103(a) as being unpatentable over combinations of Lipinski Li, and Xiong with Ramig, Dunn, Kaan, Matsubara, Yildiz, Ben, Skaaning, and/or Naik.   In response, Applicant has amended independent claims 1, 27, 39, and 46 to overcome the Examiner's rejections.  Accordingly. Applicant asks the Examiner to withdraw the rejection of these claims.

### *Independent Claim 1*

[0030]     Applicant submits that the cited references do not teach or suggest at least the following features as recited in this amended claim (with emphasis added):

- displaying in real-time, a status for each of the plurality of stages;

- **for each stage**, in response to determining that the stage was unsuccessful, **displaying a failure indicator and troubleshooting help, the troubleshooting help indicating a next connection technique to be attempted for the stage;**

[0031]     The Action acknowledges that "Lipinski-Li-Ramig-Dunn-Xiong fails to teach attempting different connection techniques at each state until the stage is successful", (Office Action, p. 4).  However the Action further asserts that "since

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US
Atty/Agent: Robert C. Peck
-35-
lee&hayes   The Business of IP ℠
www.leehayes.com   509 324 9256

Xiong teaches attempting different techniques during one stage, it would have been obvious to one of ordinary skill in the art to attempt different techniques at each stage", (Office Action, p. 4). Applicant respectfully disagrees. Further, Applicant notes that none of the cited references disclose, teach or suggest "for each (unsuccessful) stage...displaying a failure indicator and a troubleshooting help...indicating a next connection technique to be attempted for the stage".

[0032]    Xiong is directed to a method for "attempt(ing) to communicate with ISP using both DHCP and PPPoE", (fig. 7, col 7 lines 8-10). More particularly, Xiong teaches that, "if the DHCP request is received before the PPPoE request, the router repeatedly attempts (unsuccessfully) to establish communications with the ISP using the DHCP client set-up process while monitoring the link between the router and personal computer for a PPPoE request from the personal computer. When a PPPoE request is received from the person computer by the router, the router attempts to establish communication with the ISP using the PPPoE," (fig. 7, col 7 lines 21-29).

[0033]    Despite the forgoing, nothing in Xiong teaches or suggest attempting different techniques at *each* of multiple stages, as is claimed in claim 1. Rather, is solely concerned with a router which alternates between DHCP and PPPoE depending on which is received first. Thus, Xiong is solely concerned with providing connection alternatives at a single stage, not at each of multiple stages.

[0034]    Additionally, the cited references fail to teach or suggest, "for each (unsuccessful) stage...displaying a failure indicator and a troubleshooting

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US
Atty/Agent: Robert C. Peck
-36-
lee&hayes    The Business of IP ™
www.leehayes.com   509 324.9256

help…indicating a next connection technique to be attempted for the stage", as recited in Claim 1. Xiong, for instance does not disclose, teach or suggest displaying a failure indicator for each stage, or a troubleshooting help which indicates a next connection technique to be attempted for each stage.

[0035]     As shown above, the combination of Lipinski, Li, Ramig, Dunn and Xiong do not teach or suggest all of the elements and features of this claim. Further, even when Lipinski, Li, Ramig, Dunn and Xiong are combined with any or all of the other cited references, claim 1 still remains patentable. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.


*Independent Claims 27, 39, and 46*

[0036]     These claims include recitations similar to those discussed above with regard to claim 1. Accordingly, claims 27, 39, and 46 are patentable over the cited references for at least the same reasons as claim 1.


*Dependent Claims 2-26, 28-38, 40-45, and 47-70*

[0037]     These claims ultimately depend upon independent claims 1, 27, 39, and 46. As discussed above, claims 1, 27, 39, and 46 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Serial No.: 10/615,624
Atty Docket No.: MS1 -1500US                    -37-        lee&hayes   The Business of IP ™
Atty/Agent: Robert C. Peck                                           www.leehayes.com   509.324.9256

**Conclusion**

[0038]     All  pending  claims  are  in  condition  for  allowance.  Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.  Please call or email me at your convenience.


Respectfully Submitted,


Lee & Hayes, PLLC
Representatives for Applicant

/Robert C. Peck/                                        Dated:   02/19/2009
Kasey C. Christie (kasey@leehayes.com; x4732)
Registration No. 40559
Robert C. Peck (robp@leehayes.com; 206-876-6019)
Registration No. 56826
Customer No. **22801**


Telephone:  (509) 324-9256
Facsimile:  (509) 323-8979
www.leehayes.com

lee & hayes   The Business of IP ™
www.leehayes.com   509.324.9256